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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,736	10/04/1999	KATSUICHI OSAKABE	51270-245618	1041

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EXAMINER

HUBER, PAUL W

ART UNIT	PAPER NUMBER
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2653

20

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,736

Applicant(s)

OSAKABE, KATSUICHI

Examiner

Paul Huber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 12 and 15-17 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-11, 13, 14 and 18-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 8-11, 13, 14 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimnagh (USP-5,835,462) considered with Nakajo (USP-5,502,702).

Mimnagh discloses a recordable optical disk where disk-applicable-recording-speed information indicative of applicable recording speeds for the optical disk is pre-recorded on a track of the optical disk during manufacture of the optical disk. The disk-applicable-recording-speed information is pre-recorded in pre-groove wobbles or pre-pits of the optical disk. "FIG. 2 shows a suitable format for carrier information as this information is recorded as successive bits in the auxiliary signal in the pregroove portion in an embodiment of the information carrier according to the invention. ...The carrier information includes, for example, address codes AC and auxiliary codes HC..." (col. 3, line 62 through col. 4, line 1). "By providing such auxiliary codes on the information carrier several times with, for example, different reference velocities, different recording parameters and possible different recording processes may be indicated at different reference velocities..." (col. 4, line 67 through col. 5, line 4).

Mimnagh discloses the invention as claimed, but fails to specifically teach that second information indicative of a type and a maker of the optical disk is incorporated in time information pre-recorded on a track of the optical disk during manufacture of the optical disk. Nakajo, however, discloses an optical disk recording system, in the same field of endeavor, wherein "[d]ata representing the disc type is modulated and recorded in an ATIP signal in a lead-in (TOC) portion or in a test area within the TOC portion (standardized so as to record the disc type information during manufacturing the disc)", for the purpose of minutely adjusting the recording power and contents of correction, etc., by detecting the disc type of each individual disk. The data to be recorded includes an identification number of a manufacturer, a disc type code number and a code number representing recording medium (recording material). See col. 5, lines 52-63.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mimnagh such that the recordable optical disk further includes second information indicative of a type and a maker of the optical disk which is incorporated in time information pre-recorded on a track of the optical disk during manufacture of the optical disk, as taught by Nakajo. A practitioner in the art would have been motivated to do this

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for the purpose of minutely adjusting the recording power and contents of correction, etc., by detecting the disc type of each individual disk.

Claims 5, 12 and 15-17 are allowed.

Applicant's arguments filed February 6, 2004 have been fully considered but they are not persuasive.

Regarding claims 1-4, 6, 8-11, 13, 14, and 18-21, the applicant's representative argues that because the "system described in Mimnagh is self sufficient – it is already provided with the recording parameters on the disk itself. There is no reason whatsoever to use disk type and manufacturer information of Nakajo to 'minutely adjust' power because the power is already exactly specified. The motivation relied upon by the Examiner therefore does not exist." The examiner respectfully disagrees. The power is not exactly specified on the disk of Mimnagh to the degree necessary to perform the inventive steps taught by Nakajo. Nakajo teaches that "[d]ata representing the disc type is modulated and recorded in an ATIP signal in a lead-in (TOC) portion" of the disk for the purpose of minutely adjusting "the recording power and contents of correction, etc.", by detecting the disc type of each individual disc. See col. 5, lines 52-63. "A control information memory 20 is constructed of a ROM (read-only memory) and stores, for each disc type, control information (write strategy) concerning a laser modulation system including a recording power and contents of correction to a record signal for obtaining an optimum recording state" (col. 5, lines 30-35). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mimnagh such that the recordable optical disk further includes second information indicative of a type and a maker of the optical disk which is incorporated in time information pre-recorded on a track of the optical disk during manufacture of the optical disk, as taught by Nakajo. A practitioner in the art would have been motivated to do this for the purpose of minutely adjusting the recording power and contents of correction, etc. in order to correctly determine for each particular disk, "control information (write strategy) concerning a laser modulation system including a recording power and contents of correction to a record signal for obtaining an optimum recording state," of the type taught by Nakajo.

Further regarding claim 10, the applicant's representative argues that "although Mimnagh discusses recording the auxiliary codes in the lead-in time or lead out time recording areas, neither reference teach or suggest incorporating applicable recording speed information into the lead-in or lead-out start time information." The examiner respectfully disagrees. Mimnagh teaches that upon the disk as shown in figure 1a, which includes the lead-in time and lead-out time recording areas, a periodic modulation (wobble) of the pregroove portion is formed, wherein the wobble is frequency modulated with an auxiliary signal and carrier information (i.e., velocity-related information) is

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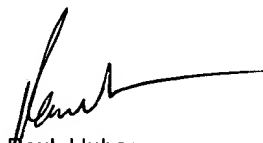
coded in the auxiliary signal. See col. 3, lines 27-65. Accordingly, Mimmagh anticipates that the applicable recording speed information can be recorded in to the lead-in or lead-out start time information, in the form of carrier information coded in the auxiliary signal, which auxiliary signal is frequency modulated into a pregroove wobble formed throughout the lead-in or lead-out start time information of the disk.

Accordingly, the rejections as applied in the last office action is deemed proper and are maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.



Paul Huber
Primary Examiner
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